

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR UTAH COUNTY, STATE OF UTAH

PROVO RESERVOIR COMPANY,
a corporation,

Plaintiff,

vs.

PROVO CITY, et al.,

Defendants.

Civil No. 2888

PETITION TO INTERVENE

Comes now, Provo City, a municipal corporation, by its attorneys, Ballif & Ballif, and petitions the court to intervene in the above captioned matter and alleges as follows:

1. That Provo City is a party to the above captioned matter, and pursuant thereto was adjudicated to have certain rights to the use of the waters of Provo River and its tributaries; that the said Provo City has numerous adjudicated water rights in the waters emanating from the South Fork of Provo Canyon, and owns and possesses real estate in the said South Fork of Provo Canyon and particularly in and near Bunnells Fork thereof.

2. That on or about the 26th day of August, 1960, supplemental proceedings in the above captioned matter were instituted by the State Engineer to enforce the statutory powers conferred upon him to administer the waters of Provo River.

3. That said supplemental proceedings were instituted against David Long, who has counterclaimed in the aforesaid matter claiming the diligence rights to 6.46 CFS of water from Birch Creek and Bunnells Fork, which said claim has not been heretofore adjudicated nor decreed in his favor.

4. That Provo City has now pending in the office of the State Engineer, exchange application No. 85 covering two filings in Bunnells Fork for the purpose of incorporating said waters into its culinary supply lines.

5. That pursuant to the provisions of Rule 24 (a) U.R.P.C. and the matters above alleged, petitioner is so situated as to be adversely affected by the distribution or disposition of the water rights subject to the custody and control of this court; that said petitioner has a right to intervene in this proceeding in the above captioned matter.

6. That a motion has been made by defendant, David Long, to have this case removed to the Third Judicial District Court in Salt Lake County; and that petitioner desires to be heard thereon in the event the court grants this petition to intervene and allows petitioner to intervene in said matter.

WHEREFORE, petitioner prays the court to grant its petition to intervene in this proceeding, and allow time to petitioner to file its complaint in intervention, and that the court allow petitioner time to file a memorandum on the question of the removal of this proceeding to the Third District Court of Utah.

By George E. Ballif
BALLIF & BALLIF
Attorneys for defendant

Received a copy of petition to intervene this 2nd day of
December, 1960.

Edward W. Clyde by Richard L. Jones
Attys for David Long
William R. Boyce
attys for Utah State Engineer.
Joseph Novak attys for
defendants

2858
FOURTH JUDICIAL DISTRICT COURT OF
THE STATE OF UTAH
IN AND FOR UTAH COUNTY

FILED

DEC 1 1960

MARK F. BOYACK, Clerk

Mark F. Boyack Deputy